

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

THOMAS O'DONNELL, :  
Plaintiff : CIVIL ACTION NO. 3:21-1701  
v. : (JUDGE MANNION)  
TAMAQUA TRANSFER AND :  
RECYCLING, INC., :  
Defendant :

**ORDER**

Pending before the court is the report of United States Magistrate Judge Karoline Mehalchick, which recommends that the plaintiff's voluntary dismissal of this case be approved and the complaint filed pursuant to the Fair Labor Standards Act and the Pennsylvania Minimum Wage Act be deemed withdrawn. (Doc. 8). No objections have been filed to Judge Mehalchick's report and the time within which they were due has lapsed.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D. Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges

should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

Plaintiff filed the instant action on October 5, 2021. (Doc. 1). Subsequently, on December 16, 2021, plaintiff filed a "Notice of Voluntary Dismissal", pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i), dismissing this action against the sole defendant with prejudice. (Doc. 7). Judge Mehalchick issued a report and recommendation on December 21, 2021, which recommends that the complaint be deemed withdrawn and the case be closed.

The court has considered the findings in Judge Mehalchick's report and finds no clear error of law. Moreover, the court agrees with the sound reasoning which has led Judge Mehalchick to the conclusions in her report. As such, the report and recommendation will be adopted in its entirety as the opinion of the court.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

**(1) The report and recommendation of Judge Mehalchick, (Doc. 8), is**

**ADOPTED IN ITS ENTIRETY AS THE RULING OF THE COURT.**

(2) The plaintiff's voluntary dismissal of this case with prejudice, (Doc. 7), is APPROVED.

(3) The Clerk of Court is directed to CLOSE THIS CASE.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**DATE: January 6, 2022**

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